

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WALLACE EUGENE JUDKINS, #1594346 §

VS. § CIVIL ACTION NO. 4:13cv374

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

This civil action was referred to United States Magistrate Judge Amos L. Mazzant, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be denied and dismissed with prejudice because it was not timely filed. Petitioner filed objections.

In Petitioner's objections, he states that he initially filed his petition on March 8, 2013, but that it was returned to him to correct. While the record does not reflect this, even if the court used March 8, 2013, as the date of filing, Petitioner's petition is still untimely. To be timely, Petitioner must have filed his petition on or before May 14, 2012. Petitioner presents nothing to show that he timely filed his petition or that he is entitled to equitable tolling.

In conclusion, the Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, this court finds that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of this court. It is therefore

ORDERED that the petition for writ of habeas corpus is **DENIED** and Petitioner's case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. Finally, it is **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **13** day of **December, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge